

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY W. ARTHUR,	)	No. C 13-1097 LHK (PR)
	)	
Plaintiff,	)	ORDER GRANTING MOTION
	)	FOR ENTRY OF FINAL
v.	)	JUDGMENT
	)	
EDMUND G. BROWN, et al.,	)	
	)	(Docket No. 53)
Defendants.	)	
	)	

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Plaintiff, a state prisoner proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983, alleging that prison officials were deliberately indifferent to his serious medical needs. On February 11, 2014, the court granted summary judgment for defendant Dr. Jane W. Lee. On March 17, 2014, Dr. Lee filed a motion for entry of final judgment. Plaintiff has not filed an opposition.


Pursuant to Federal Rule of Civil Procedure 54(b), “When an action presents more than one claim for relief . . . or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.” The Supreme Court has set out a two-part test for Rule 54(b) motions: first, a court must “determine that it is dealing with a ‘final judgment.’ It must be a ‘judgment’ in the sense that it is a decision upon a cognizable claim for relief, and it must be ‘final’ in the sense that it is ‘an ultimate disposition of an individual claim entered in the

1 court of a multiple claims action.” *Curtiss-Wright Corp. v. General Elec. Co.*, 446 U.S. 1, 8,  
2 (1980) (quoting *Sears, Roebuck & Co. v. Mackey*, 351 U.S. 427, 43 (1956)). Here, indisputably,  
3 the order granting Dr. Lee summary judgment finally resolved plaintiff’s deliberate indifference  
4 claim against Dr. Lee, and is eligible for certification under Rule 54(b). Second, once the court  
5 determines that the order is “final,” the court must decide if “there is any just reason for delay.”  
6 *Id.* at 8-9. The court finds no such reason here.

7 Accordingly, the court GRANTS Dr. Lee’s motion for entry of final judgment.

8 IT IS SO ORDERED.

9 DATED: 5/6/14

  
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LUCY H. KOH  
United States District Judge